

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

RODNEY L. DAVIS, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 24-364
(Senior Judge Eric G. Bruggink)

DEFENDANT'S MOTION TO
EXTEND DEADLINE TO RESPOND TO COMPLAINT

Pursuant to Rule 6(b) and 6.1 of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests that the Court extend the deadline to respond to the complaint of plaintiffs, Rodney L. Davis, *et al.*, by 53 days, from May 6, 2024, to June 28, 2024. We have not previously sought an extension of this deadline. Counsel for plaintiffs has stated that they do not consent to this extension.

The extension of time requested is necessary and should be granted for good cause. The allegations made in plaintiffs' complaint regarding the compensation of Members of Congress will require conferring with numerous Government stakeholders, both inside the Department of Justice and beyond, before filing a response. Additionally, the complaint raises questions of first impression regarding the Twenty Seventh Amendment. Accordingly, defendant's counsel requires additional time to review the complaint, coordinate with the various stakeholders, and to prepare the Government's response to the complaint. Time is then needed for the mandatory supervisory review before filing the Government's response, which we anticipate will also require multiple levels of review in this case.

The additional time we request is further necessary because other pre-existing obligations have limited the amount of time undersigned counsel could devote to this case, and because

undersigned counsel has a pre-scheduled family vacation. For example, undersigned counsel had to step into an argument in *Independent Rough Terrain Center, LLC v. United States*, No. 24-160 (Fed. Cl.), when prior counsel went out on parental leave. And although we understand that the press of business in other courts is not necessarily a cause for an extension in this Court, undersigned counsel was also involved in *Harrow v. DOD*, No. 23-21 (S. Ct.), which was argued on March 25, 2024, and has briefs due in *Crawford v. McDonough*, No. 24-1075 (Fed. Cir.) on May 10, 2024, and in *O'Boyle v. DOJ*, No. 23-1216 (D.C. Cir.) on May 17, 2024. Additionally, undersigned counsel has a scheduled family vacation, as a result of which she will be unavailable from May 31 through June 10, 2024.

Accordingly, we respectfully request that the Court grant this motion for an extension of 53 days to respond to the complaint and reset that deadline to June 28, 2024.

Respectfully submitted,

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